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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/699,859	10/31/2003	Howard W. Lutnick	02-1078	5126
63710 7590 05/22/2008 DEAN P. ALDERUCCI CANTOR FITZGERALD, L.P. 110 EAST 59TH STREET (6TH FLOOR) NEW YORK, NY 10022				
EXAMINER				
ALL HATTEM				
ART UNIT		PAPER NUMBER		
3692				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/699,859

Applicant(s)

LUTNICK ET AL.

Examiner

HATEM ALI

Art Unit

3692

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 March 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. The following is a **Final Action** on **merits** in response to the communication received on **3/14/08**

Acknowledgement

2. The amended **claims 1-2, 4-5, 7, and 9-21** received on **3/14/08** have been entered. As such **claims 1-30** are pending.

Abstract

3. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Rejections - 35 USC § 112

4. **Claims 1 and 12** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. .

In the claim 1, at lines 20 and 23, the recitation, "replace the trading information to the first benchmark issue in the first quad" and "to replace the trading information related to the second benchmark issue in the second quad" are new matters not found in the specification.

In the claim 12, the recitation, at lines 6 and 10, "receiving a selection of a key on a keyboard associated" and "replacing the trading information related to a benchmark issue in a trading quadrant" are also new matters not found in the specification.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 1-30** are rejected under 35 U.S.C. 103 (a) as being unpatentable over *Fraser* et al in views of *Silverman* et al (6, 625,583).

As per claim 1, *Fraser* discloses a system for allowing traders to switch between multiple issues in trading quadrants (**Abstract**; via programmed controlled trading logic and paradigms), the system comprising:

a display device (**Fig.1**; via workstation including display device);
a keyboard that has keys comprising a keys include a key associated with a first benchmark issue and a key associated with a first non-benchmark issue related to the first benchmark issue, and a key associated with a second benchmark issue and a key associated with a non-benchmark issue related to the second benchmark issue; (**Fig.3A**; via keyboard with programmed issue keys for inherent specific benchmarks);
and

a processor configured (**col.4**, lines 55-65; via computer base data processing system) to:

direct the display device to display simultaneously a first trading quadrant comprising trading information related to the first benchmark issue and a second trading quadrant comprising trading information related to the second benchmark issue (**col.5**, lines 1-6, **col.2**, line 1-15 and **col.9-10**; via **Quad 1** and **Quad 2** with implied benchmark issues working same time with system logic and **Fig.3A-C**):

allow a trader to select the first non-benchmark issue that is related to the first benchmark issue by pressing the key on the keyboard that is mapped to the first non-benchmark issue and to select the second non-benchmark issue that is related to the

second benchmark issue by pressing the key on the keyboard that is mapped to the second non-benchmark issue (Fig.3A; programmed issue tabs are mapped for benchmark / non-benchmark issues); and

direct the display device to replace the trading information related to the first benchmark issue in the first quad with trading information related to the first non-benchmark issue with a selection of the key associated with the first non-benchmark issue and to replace the trading information related to the second benchmark issue in the second quad with trading information related to the second non-benchmark issue with a selection of the key associated with the second non-benchmark issue (Fig.3A-C; programmed issue tabs for implied benchmark/non-benchmark issues).

Fraser fails explicitly to disclose the display device to display simultaneously a first trading quadrant and a second trading quadrant.

However, **Silverman** being in the same field of invention discloses the display device to display simultaneously a first trading quadrant and a second trading quadrant (**col.2**, line 18; via simultaneously displaying ticker page selection elements).

Therefore, it would have been obvious to an ordinary skill in the art at the time of invention was made to modify the features and disclosures mentioned by **Fraser** to include the disclosure as taught by **Silverman** to facilitate in forming a number of ticker pages by displaying selection elements concurrently.

As per claims 2 and 3, Fraser discloses the keyboard comprises a key for price improvement that when selected improves on an existing market price for a selected issue and places the order with the improved price in front of other orders in a trading

stack and has a key for direct dealing (**Fig.3A** and **col.4-5**, lines 60-68 and 1-32; via dedicated keypad with programmed keystroke command and control logic inherently with better price and direct dealing system).

As per claims 4, 5, 6, 7, and 8, Fraser discloses the processor is further configured to direct the display device to display a second trading quadrant that includes information related to the selected non-benchmark issue and a treasury swaps trading quadrant having at least three of the most recent issues and it is off-the-run trading quadrant (**col.5**, lines 1-6, **col.2**, lines 1-15 and **col.10**; via Quad 2 with inherent recent benchmark issues and it is off-the-run quad).

As per claims 9, 10, and 11, Fraser discloses the second trading quadrant is a yield curve, a basis and a limit order-trading quadrant (**col.10** and **col.4**, lines 45-50; limit orders and other inherent programmed logical basis and yield curve).

As per claim 12, Fraser discloses a method for allowing a trader to switch between multiple issues (**Fig.3B**) in a trading quadrant, the method comprising:

displaying simultaneously a first trading quadrant comprising trading information related to a first benchmark issue and a second trading quadrant comprising trading information related to a second benchmark issue (**col.5**, lines 1-6, **col.2**, line 1-15 and **col.9-10**; via **Quad 1** and **Quad 2** with inherent benchmark issues);

receiving a selection of a key on a keyboard associated with at least one non-benchmark issue that is related to at least one of the first and second benchmark issues that is mapped to the at least one non-benchmark issue (**Fig.3A-C**; programmed issue tabs with keyboard implied for first/second benchmark/non-benchmark issues); and

replacing the trading information related to a benchmark issue in a trading quadrant with trading information related to the selected non-benchmark issue (**col.2**; via treasury securities/benchmark issues and **col.5**, lines 1-6, **col.2**, line 1-15 and **col.10**; via **Quad 2** with inherent recent benchmark issues and it is off-the-run quad).

Fraser fails explicitly to disclose the display device to display simultaneously a first trading quadrant and a second trading quadrant.

However, **Silverman** being in the same field of invention discloses the display device to display simultaneously a first trading quadrant and a second trading quadrant (**col.2**, line 18; via simultaneously displaying ticker page selection elements).

Therefore, it would have been obvious to an ordinary skill in the art at the time of invention was made to modify the features and disclosures mentioned by **Fraser** to include the disclosure as taught by **Silverman** to facilitate in forming a number of ticker pages by displaying selection elements concurrently.

Claims 13 -14 are rejected as per the reasons set forth in claims **4-5** respectively

Claim 15 is rejected as per the reasons set forth in claim **7**

Claims 16-18 are rejected as per the reasons set forth in claims **9-11** respectively.

As per claim 19, **Fraser** discloses a method for allowing a trader to switch between multiple issues (**Fig.3A**) in a trading quadrant, the method comprising:

displaying a first trading quadrant comprising trading information related to a benchmark issue (col.5, lines 1-6, col.2, line 1-15 and col.9; via Quad 1 with inherent benchmark issues);

receiving a selection of a key on a keyboard associated with at least one non-benchmark issue that is related to the benchmark issue by pressing that is mapped to the at least one non-benchmark issue (**Fig.3A**; programmed issue tabs with keyboard); and

displaying simultaneously a second trading quadrant for the selected non-benchmark issue, wherein the second trading quadrant comprises trading information related to the selected non-benchmark issue (col.5, lines 1-6, col.2, line 1-15 and col.10; via Quad 2 with inherent recent benchmark issues and it is off-the-run quad).

Fraser fails explicitly to disclose the display device to display simultaneously a second trading quadrant for the selected non-benchmark issue

However, **Silverman** being in the same field of invention discloses the display device to display simultaneously a second trading quadrant for the selected non-benchmark issue (col.2, line 18; via simultaneously displaying ticker page selection elements).

Therefore, it would have been obvious to an ordinary skill in the art at the time of invention was made to modify the features and disclosures mentioned by **Fraser** to include the disclosure as taught by **Silverman** to facilitate in forming a number of ticker pages by displaying selection elements concurrently.

As per claim 20, *Fraser* discloses a system for providing direct dealing information (**col.7**, lines 33-57), the system comprising:

a server storage device (**Fig.1** and **col.7**, lines 32-57; via servers **30** and **40** and data processor database);

a server processor connected to the server storage device, the server storage device storing a server program for controlling the server processor, the server processor operative with the server program (**col.7**, lines 40-4; via Pentium Processor based PCs, SPARC Station using UNIX) to:

receive real-time direct dealing content related to an item and trading information related to the item for use in a trading quadrant, wherein the direct dealing content comprises at least one of a request a quote, a response with a price, a cancel to a response, an amend a response, or an accept a response, and wherein the trading information comprises limit order for the item (**col.7**, lines 50-55 and **col.9**, lines 1-40 and also **col.10**, line 15-68; via **Quad 2** , customers[CUST] and pricing); and

simultaneously display the trading quadrant comprising the trading information related to the item (**col.9--10**) and a ticker that contains the received real-time direct dealing content related to the item and also **col.2**, line 18; via simultaneously displaying ticker page selection elements implied as trading quadrant displaying concurrently) ;
and

a plurality of workstations, each of the plurality of workstations operative to communicate with the server, each of the workstations (**Fig.1**) comprising:

a workstation storage device (**col.7**, lines 40-45; PCs with SPARC Station); and
a workstation processor connected to the workstation storage device, the workstation storage device storing a workstation program for controlling the workstation processor, the workstation program operative to display the trading quadrant comprising the limit order data for the item (**col.8**, lines 1-52).

But, **Fraser** fails to explicitly teach the workstation program operative to display the ticker that comprises the received real-time direct dealing content.

However, **Silverman** being in the same field of invention discloses the concept of the workstation program operative to display the ticker that comprises the received real-time direct dealing content (**col.2**, line 10-15; via direct selection of exposed pages and user can interact using a stylus).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention was made to modify the disclosure and features mentioned by **Fraser** to include the process of ticker pages with direct trade order information as taught by **Silverman** in order to facilitate the trading transactions.

As per claims 21 and 22, **Fraser** discloses the server programmed to receive a midprice order to buy or sell an item at a price within a spread market and update the direct dealing content in the ticker to include the midprice order to buy or sell the item (**col.4**, lines 54-60, programmed logic and **col.9**, indicating a spread of .02).

But, **Fraser** fails to explicitly teach to update the direct dealing content in the ticker.

However, **Silverman** being in the same field of invention discloses the concept of aggregating all buy/sell order values in ticker page.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention was made to modify the disclosure and features mentioned by **Fraser** to include the disclosure as taught by **Silverman** to facilitate the process of aggregation in the buy/sell system with direct content of ticker pages.

As per claims 23 and 24, Fraser explicitly fails to disclose that the ticker includes at least one request and one response, which include orientation and size.

However, **Silverman** being in the same field of invention discloses the concept of ticker pages with buy/sell price information including orientation and size (col.3 and 4, line 67 and 1-4 respectively; via display of particular ticker page).

Therefore, it would have been obvious to one ordinary skill in the art at the time of invention was made to modify the concept of ticker with request/response for orientation and size as taught by **Fraser** to include the disclosure of **Silverman** to facilitate the process of displaying characteristics of ticker pages.

As per claim 25, Fraser discloses a method for providing direct dealing information in a trading quadrant that has trading information (col.8, lines 61-68; via display of trading quadrant), the method comprising:

receiving real-time direct dealing content for use in the trading quadrant (col.8, lines 6-68; via real-time distribution and screen display in a trading quadrant); and simultaneously displaying the trading quadrant (col.4, lines 9-14; via displaying trading activity of customers in real time).

But, **Fraser** fails explicitly to disclose a ticker that contains the received real-time direct dealing content.

However, **Silverman** being in the same field of invention teaches the concept of a ticker page has a real-time direct dealing content (**col.2**, lines 12-15; via direct selection of exposed pages with information).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention was made to modify the features and disclosures mentioned by **Fraser** to include the disclosure as taught by **Silverman** in order to facilitate direct selection of ticker page to avoid menu navigation.

Claims 26 and 27 are rejected as per the reasons set forth in claims **21 and 22**

Claims 28 and 29 are rejected as per the reasons set forth in claims **23 and 24**

As per claim 30, **Fraser** discloses. a method for providing real-time direct dealing information in a trading quadrant that has trading information (**col.8**, lines 61-68; via display of trading quadrant), the method comprising:

receiving a midprice order to buy or sell an item at a price within a spread market (**col.4**, lines 54-60, programmed logic and **col.9**, indicating a spread of .02).

updating direct dealing content in a direct dealing ticker in response to receiving the midprice order; and

simultaneously displaying the trading quadrant (**col.4**, lines 9-14; via displaying trading activity of customers in real time).

But, **Fraser** fails to explicitly teach to update the direct dealing ticker in response to receiving midprice order.

However, **Silverman** being in the same field of invention discloses the concept of aggregating all buy/sell order values in ticker page in response to summing order size and price information (**col.6**, lines 1-5)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention was made to modify the disclosures and features mentioned by **Fraser** to include the disclosure as taught by **Silverman** to facilitate the aggregation of all buy/sell system with direct content of ticker pages for selected order objects.

Response to Arguments

7. **Applicant's** arguments with respect to **claims 1-30** have been considered but are moot in view of the new ground(s) of rejection.

Applicant argued that display device to display simultaneously a first trading quadrant comprising trading information related to the first benchmark issue and a second trading quadrant comprising trading information related to the second benchmark issue. **Examiner** cited from Silverman in **col.2**, line 18; via simultaneously displaying ticker page selection elements.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kirwin et al(US 2002/0029180 A1) discloses configurable trading interfaces.

Impink (6211880) discloses a display for presenting trends in financial commodities such as stocks.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HATEM ALI whose telephone number is (571)270-3021. The examiner can normally be reached on 8.00 to 6.00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Abdi can be reached on 571-272-6702. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3692

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Harish T Dass/
Primary Examiner, Art Unit 3692

Hatem Ali
Examiner
Art Unit 3692